

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

September 9, 2026

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TIMOTHY ALAN DULEY,

Defendant - Appellant.

No. 26-6042
(D.C. No. 5:21-CR-00114-R-1)
(W.D. Okla.)

ORDER AND JUDGMENT*

Before **MATHESON, BACHARACH**, and **PHILLIPS**, Circuit Judges.**

This matter is before the court on the *Joint Motion to Remand*. Appellee United States moves to vacate Appellant Timothy Alan Duley's revocation sentence and to remand this case in light of *United States v. Moon Seals*, No. 24-1028, 2026 WL 2547020 (10th Cir. Aug. 28, 2026). Appellant Duley joins the motion.

Upon consideration, the *Joint Motion to Remand* is granted. This case is remanded to the district court with instructions to vacate Mr. Duley's revocation

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

** Because this matter is being decided on a joint motion to remand to the district court, the panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. *See* Fed. R. App. P. 34(f); 10th Cir. R. 34.1(G). The case is therefore submitted without oral argument.

sentence and to conduct any and all proceedings necessary to resentence Mr. Duley in light of *Moon Seals* and in accord with the *Joint Motion to Remand*.

The Clerk shall issue the mandate forthwith.

Entered for the Court

Per Curiam